

90th Legislative Session – 2015

Committee: Senate Agriculture and Natural Resources

Tuesday, February 17, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Ewing
P Frerichs
P Jensen (Phil)
P Peterson (Jim)
P Rampelberg
P Rusch
P Vehle
P Olson, Vice-Chair
P Cammack, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair, Senator Cammack.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 12TH.

Moved by: Jensen (Phil)
Second by: Rampelberg
Action: Prevailed by voice vote.

SB 2: provide for the establishment of river basin natural resource districts and to repeal certain provisions regarding county drainage management.

See minutes of Thursday, February 12th for further testimony.

Senator Vehle (Handout #1)

MOTION: AMEND SB 2

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. There is hereby established the River Basin Oversight Advisory Task Force. The task force consists of the following eight members:

- (1) The speaker of the House of Representatives shall appoint two members of the House of Representatives, one from each political party;
- (2) The speaker of the House of Representatives shall appoint two members of the general public, one member to be an agricultural producer and one member to represent conservation districts;
- (3) The president pro tempore of the Senate shall appoint two members of the Senate, one from each political party; and
- (4) The president pro tempore of the Senate shall appoint two members of the general public, one member to represent municipalities and one member to represent county government.

The task force shall select a chair and vice chair from its members.

The initial appointments shall be made no later than July 1, 2015, and serve until January 1, 2017. The speaker of the House of Representatives and the president pro tempore of the Senate shall, before the close of the regular session of the Legislature in 2017, appoint members to the task force for a term to end January 1, 2019. If there is a vacancy on the task force, the vacancy shall be filled in the same manner as the original appointment.

Section 2. The task force shall work with the local governments in the Vermillion River basin to establish a pilot water management plan that could be used as a guide for a water management plan in a river basin.

Section 3. The task force shall continue to meet until January 1, 2019. The task force shall advise the Legislature regarding watershed management, including drainage management. The task force shall, by October 31, 2015, establish guidelines to establish a water management plan pursuant to this Act. The task force may present draft legislation and policy recommendations to the Legislative Research Council Executive Board to facilitate the implementation of this Act."

Moved by: Ewing
Second by: Cammack
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 2 AS AMENDED

Moved by: Frerichs
Second by: Peterson (Jim)
Action: Prevailed by roll call vote. (6-3-0-0)

Voting Yes: Frerichs, Jensen (Phil), Peterson (Jim), Rampelberg, Rusch, Vehle

Voting No: Ewing, Olson, Cammack

MOTION: AMEND TITLE OF SB 2

2ota

On page 1, line 2, of the printed bill, delete everything after "districts" and insert ".".

Moved by: Frerichs
Second by: Jensen (Phil)
Action: Prevailed by voice vote.

SB 3: provide for mediation of certain drainage disputes.

Presented by: Senator Mike Vehle(Handout #2)
Proponents: Representative Brian Gosch
Dennis Duncan, a member of the Watershed Task Force by phone
Representative Leslie Heinemann
Stacy Revels, SD Department of Agriculture
Lorin Pankratz, SD Soybean Association
Mike Held, South Dakota Farm Bureau
Matthew McCaulley, South Dakota Corn Growers Association
Angela Ehlers, SD Assoc. of Conservation Districts
Brenda Forman, South Dakota Association of Cooperatives
Matt Sibley, South Dakota Farmers Union

MOTION: AMEND SB 3

3fa

On page 1, line 9, of the printed bill, delete "prompt and".

On page 1, delete line 10, and insert "mediation of drainage disputes. The parties to the

mediation created under this Act shall be limited to the person or parties that own or administer real property impacted by the planned drainage or drainage dispute."

On page 1, line 12, delete everything after "employ".

On page 1, line 13, delete everything before "agents" .

On page 1, line 14, delete "The director shall serve at the pleasure of the secretary of agriculture."

On page 2, line 3, after "payments," insert "department notice requirements,".

On page 2, line 5, delete "drainage" and insert "farm".

On page 2, delete line 8, and insert "in the farm mediation operating fund. All money in the farm".

On page 2, line 9, delete "created by this section".

On page 2, line 10, delete everything after "." .

On page 2, delete lines 11 and 12, and insert "Any disbursements from the farm mediation operating fund".

On page 2, delete lines 17 to 22, inclusive, and insert "Section 5. The requesting party shall promptly provide to the Department of Agriculture, upon the agreement of at least two parties to enter into the mediation program created under this Act, a list of other parties to the drainage dispute and any property owner and any county, municipality, township, or any agency of state or federal government reasonably determined by the requesting party to be affected by the drainage activity. The Department of Agriculture shall send a mediation meeting notice to the identified parties, setting a time and place for an initial mediation meeting between the parties to the dispute and a mediator. This notice shall be in conjunction with a public notice of the mediation by the Department of Agriculture that shall be published once each week for two consecutive weeks in one of the official newspapers designated by the county or counties where the real property involved in the drainage dispute is located. The last publication shall be published before the initial mediation meeting. The unintentional failure to notify any party who may".

On page 3, line 6, delete "director".

On page 3, line 7, delete "of the drainage" and insert "Department of Agriculture".

On page 3, line 19, after "interests" delete "or".

On page 3, line 20, delete "the drainage".

Moved by: Frerichs
Second by: Olson
Action: Prevailed by voice vote.

MOTION: DO PASS SB 3 AS AMENDED

Moved by: Frerichs
Second by: Jensen (Phil)
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Ewing, Frerichs, Jensen (Phil), Peterson (Jim), Rampelberg, Rusch, Vehle, Cammack

Excused: Olson

SB 131: establish certain provisions regarding stray electrical current and voltage remediation.

Presented by: Senator Larry Tidemann (Handout #3)
Proponents: Darla Pollman Rogers, South Dakota Rural Electric Association (Handout #4)
Robert John Gustafson, Self, Worthington, Ohio by phone
Ed Anderson, South Dakota Rural Electric Association
Kristie Fiegen, Public Utilities Commission said they were not for or against the bill but just wanted to make a few comments
Brenda Forman, South Dakota Association of Cooperatives
Matt Sibley, South Dakota Farmers Union
Opponents: Marvin Post, South Dakota Dairy Producers (Handout #5)
John Seffrood, Self, Summit
Steve Bossman, Self, Parker (Handout #6)
Jerry Lush, Self, Brookings
Walt Bones, Self, Parker
Annelies Sefford, Self, Summit

MOTION: DO PASS SB 131

Moved by: Ewing
Second by: Frerichs
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Ewing, Frerichs, Jensen (Phil), Peterson (Jim), Rampelberg, Vehle, Olson, Cammack

Excused: Rusch

MOTION: ADJOURN

Moved by: Jensen (Phil)

Second by: Olson

Action: Prevailed by voice vote.

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Lois Henry
Committee Secretary

Gary Cammack, Chair